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December 21, 2007

TRANSMISSION VIA EXPRESS COURIER

Honorable Kenneth M. Karas
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas St., Chambers 533
White Plains, NY 10601-4150

MEMO ENDORSED

Re: Request for Extension of Time to Answer
Klebe vs. Tri Municipal Sewer Commission
Complaint No. 07 Civ.7071

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Dear Judge Karras:

On behalf of Tri Municipal Sewer Commission ("Defendant") and Severn Trent Environmental Services, Inc. ("Severn Trent"), the operator of the Defendant's wastewater treatment facilities, we respectfully request an extension of time in which to respond to the complaint filed by Jorge and Imme Klebe ("Plaintiffs") in the above-referenced matter from December 28, 2007 (the original date) to January 16, 2008. While we understand that previous extensions of time had been granted by arrangement between Plaintiffs' counsel, Michael H. Sussman, Esq. of Sussman & Watkins, and Defendant's prior counsel, James M. Fedorchak, Esq. of Gellert & Klein, P.C., this is the first time that the Court has been requested to grant an extension of time. Based upon discussions with Plaintiffs' counsel, it is our understanding that the Plaintiffs consent to this extension. Please be aware that Plaintiffs' counsel is being sent a copy of this letter simultaneously with the transmission of this letter to the Court.

For the Court's benefit, please understand that by letter dated November 19, 2007, Defendant demanded that Severn Trent defend and indemnify it in this action pursuant to a certain wastewater facilities operation and services agreement between the parties. Severn Trent subsequently referred this matter to its insurer and is now seeking this extension of time so that the insurance company can evaluate Defendant's indemnity claim and determine its obligation to defend the action. Based on telephone discussions with the insurance carrier, it appears that Severn Trent's insurance company will likely assume the defense of this matter, although no such assurances can be provided at the present time.

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We thank the Court for its time and consideration. We know that the Court and all parties are eager to advance this matter and we will do everything in our power to accomplish this goal. If I may be of additional assistance, please contact me at (914) 925-0000 or via electronic mail at msiegel@eliasgroup.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Siegel".

Michael Siegel

cc (via express courier):

Michael H. Sussman, Esq.
Sussman & Watkins
40 Park Place
Goshen, New York 10924

James M. Fedorchak, Esq.
Gellert & Klein, P.C.
75 Washington Street
Poughkeepsie, New York 12601-2303

*Tri Municipal and Severn Trent have
until January 16, 2008 to answer or
otherwise respond to the complaint.*

SO ORDERED

A handwritten signature in cursive script, appearing to read "Kenneth M. Karas".

KENNETH M. KARAS U.S.D.J.
12/29/07